

By: Menendez

H.B. No. 38

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for an offense involving motor vehicle
airbags.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 547.614, Transportation Code, is amended
by amending Subsections (a-2) and (b) and adding Subsection (e) to
read as follows:

(a-2) A person commits an offense if the person:

(1) knowingly or recklessly makes or sells a
counterfeit airbag to be installed in a motor vehicle;

(2) intentionally alters an airbag that is not
counterfeit in a manner that causes the airbag to not meet all
applicable federal safety regulations for an airbag designed to be
installed in a vehicle of a particular make, model, and year;

(3) represents to another person that a counterfeit
airbag installed in a motor vehicle is not counterfeit; ~~or~~

(4) knowingly or recklessly sells a motor vehicle in
which an airbag is not installed without clearly disclosing that
the vehicle does not have an airbag; or

(5) causes another person to violate Subsection (a-1)
or Subdivision (1), (2), ~~or~~ (3), or (4) or assists a person in
violating Subsection (a-1) or Subdivision (1), (2), ~~or~~ (3), or
(4).

(b) Except as provided by Subsections (c), ~~and~~ (d), and

1 (e), an offense under this section is a state jail felony [~~Class A~~
2 ~~misdemeanor~~].

3 (e) An offense under this section is a felony of the first
4 degree if it is shown on the trial of the offense that the offense
5 resulted in the death of a person.

6 SECTION 2. The change in law made by this Act applies only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 covered by the law in effect on the date the offense was committed,
10 and the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 SECTION 3. This Act takes effect September 1, 2013.